

Appendix 2

Industry Boards and Commissions Advice

Regulation 18707.4, previously 18703.3 and 18703(c) and (d)

Board or Commission	Composition	Conclusion
Board of Funeral Directors and Embalmers (<i>In re Callanan</i> , 4 FPPC Ops. 33 (1978))	8 members: 3 licensed funeral directors or embalmers 5 public members	Under regulation, the three industry members of the Funeral Board were not required to disqualify themselves from a decision about notification of next of kin which affected the industry.
California Milk Producer's Advisory Board <i>Consumers Union of U.S., Inc. v. California Milk Producers Advisory Bd.</i> (1978) 82 Cal. App. 3d 433		California Court of Appeal upheld regulation 18703, stating that it did not believe the Act should "be read to nullify the many state and local laws establishing regulatory boards and commissions whose members are drawn from the very industry, trade or profession regulated." 82 Cal. App. 3d 433, 444.
Rent Stabilization Board of the City of Berkeley (<i>In re Overstreet</i> , 6 FPPC Ops. 12 (1981))	All residents of Berkeley were eligible to serve as commissioners on the rent stabilization board. Measure D, creating the board, did not specifically require the appointment of tenants or landlords, but the opinion found that the statute contemplated that both tenants and landlords would be appointed.	Exception applies to landlord commissioner on rent stabilization board. The opinion concluded that there was an implicit finding in the measure creating the board, consistent with regulation 18703, that the rental property industry constitutes a significant segment of the public generally.
Sexual Assault Advisory Committee (<i>Towner A-87-038</i>)	11 members: 5 appointed by the Office of Criminal Justice Planning 6 public members appointed by Commission on Status of Women, including one rep of a rape crisis center	An employee of a rape crisis center, who is appointed as the representative required by the statute, may participate in committee decisions that affect all rape crisis centers in substantially the same manner. She would have to disqualify herself from decisions about funding for her employer.
California Waste Management Board (<i>Beautrow I-89-042</i>)	Statute required appointment of one rep of the public who is a registered civil engineer and has specialized education and experience in natural resources conservation and resources recovery.	Exception does not apply to board member because he was not appointed to the board as a rep of the solid waste industry pursuant to state law; he was appointed as a public member with specified expertise.
Irvine Transportation Authority (<i>Fellows I-91-395</i>)	11 members: 5 Irvine city council members 1 public member appointed by council 5 appointed by council, nominated by: 1 UC Irvine 1 Industrial League of Orange County 1 Irvine Chamber of Commerce 1 Irvine Business Complex Consortium 1 Building Industry Association of Southern California	Exception does not apply. Transit Authority was created to serve entire public, not to regulate industries in question. Appointing associations are not industries, trades, or professions. Except for the Building Industry Association, all the nominating associations are broad coalitions of varied business entities.

Board or Commission	Composition	Conclusion
Palm Springs Visitors and Promotion Board (<i>Cosgrove</i> I-93-238)	11 members: 4 members to be hotel owners or managers in the jurisdiction 3 members of the retail and restaurant segments of the business community 2 city council members 2 represent public at large	Regulation applies to the industry members of the board.
Delta Protection Commission (<i>Frank</i> A-93-410)	19 voting members: 5 county supervisors 3 city council members from cities in the Delta 5 members from the boards of 5 different reclamation districts 6 specified state officials	Exception applies to DPC's reclamation district members who are required to own or represent real property in their reclamation districts.
California Board of Chiropractic Examiners (<i>Davis</i> A-93-476)	7 members appointed by Governor: 5 members must be licensed CA chiropractors 2 public members	Regulation applies to chiropractic members of the board.
Union City Mobile Home Space Rent Review Board (<i>Galliano</i> A-94-024)	Pursuant to municipal code, board members are appointed to represent and further the interests of tenants and mobile home park owners. Board member was appointed represent mobile home park tenants and was required to be a tenant of a mobile home park.	Under exception, commissioner may participate in the consideration of an application to raise rents submitted by the mobile home park where she and her spouse rent a mobile home space, so long as the decision will affect ten percent or more of the tenants of mobile home parks in the jurisdiction in substantially the same manner. The rent increase before the board would affect 544 of the 933, or 58% of the mobile home units in the city.
Sonoma County HIV Consortium (<i>Larocque</i> I-94-027)	Voting members include salaried and nonsalaried officers in nonprofit and for-profit care and service providers, paid staff members of care providers, government officials, and community reps who may be clients receiving services	Under regulation, members of HIV consortium may participate in establishing funding priorities for spending so long as the decision will affect the members' interest in substantially the same manner as the decision will affect a significant segment of the persons the member was appointed to represent.
Commission on Health and Safety and Workers' Compensation (<i>Rankin</i> and <i>O'Hara</i> (A-94-310 and A-94-315)	Required to have 4 members representing organized labor	Under regulation, official who is employed by a particular union may participate in Commission decisions if they will affect a significant segment of organized labor in California in substantially the same manner and will not affect any other economic interest of the official's.

Board or Commission	Composition	Conclusion
National City's Redevelopment Project Area Committee (Eiser I-95-075)	13 members: 2 residential owner occupants 4 residential tenants 2 business property owners 3 business owner/tenants 2 reps of community organizations/religious institutions	The exception may apply to appointed members of the redevelopment area project committee.
Redevelopment Project Area Committee for the City of Merced (Spriggs I-96-031)	State law required that members of the project area committee have a business interest or a residence within the boundaries of the area.	Regulation may apply to particular decisions of the project area committee if criteria (3) and (4) are met.
San Mateo County Commission on Publicly Assisted Medical Care d.b.a. "Health Plan of San Mateo" (Bennett A-98-239)	11 members: 2 members of the Board of Supervisors 1 county manager or his or her designee 1 physician 1 hospital administrator 3 members of public, including one beneficiary or rep of beneficiaries served by commission 1 rep of senior and/or minority communities in county 1 nurse 1 rep of San Mateo County General Hospital physicians 1 rep of hospitals in the county	Commissioner who was appointed to represent the interests of the minority community is the executive director of a nonprofit community health organization. The exception will permit the commissioner to participate in decisions about contracts with entities other than the nonprofit she works for because a decision about a contract with a competing entity will affect the nonprofit in substantially the same manner as other entities that are seeking grants to promote the health care needs of the minority community. These other entities constitute a significant segment of persons the commissioner was appointed to represent.
L.A. Care Health Plan (Dorsey I-01-102)	13 members: 1 rep of private hospitals w/ Medi-Cal disproportionate share status 1 rep of private hospitals that do not have Medi-Cal disproportionate share status 1 rep of free and community clinics 1 rep of federally qualified health centers 1 physician rep 1 rep of licensed prepaid health plans 1 children's health care provider rep 4 members from Los Angeles County	These stakeholder board members satisfy criteria (1) and (2) of regulation 18707.4. Exception will apply to L.A. Care board members if criteria (3) and (4) are met.
State and Local Work Force Investment Boards (Holland I-01-140)	Work force investment boards are made up of representatives from the public and private sectors.	Exception may apply to "one-stop" partners on the work force investment boards created under federal law.